

JUN 25 2008



FINNEGAN
HENDERSON
FARABOW
GARRETT &
DUNNER LLP

Two Freedom Square ■ 11955 Freedom Drive ■ Reston, VA 20190-5675 ■ 571.203.2700 ■ Fax 202.408.4400
www.finnegan.com

FACSIMILE TRANSMITTAL

TO

Name: Central Fax Number
Company: USPTO
Fax Number: 571-273-8300
Subject: Appeal No. 2008-3431

Date: June 25, 2008
Phone Number: 571-272-9797
Total Pages (including cover): 2
Confirmation Copy to Follow: No

FROM

Name: Anthony C. Tridico
Phone Number: 202-408-4173

Verified by: P. Peacock
Our File No.: 05725.0844

MESSAGE

Waiver of the Hearing is attached.

If there is a problem with this transmission, notify the sender at the number above.

This facsimile is intended only for the individual to whom it is addressed and may contain information that is privileged, confidential, or exempt from disclosure under applicable law. If you have received this facsimile in error, please notify the sender immediately by telephone (collect), and return the original message by first-class mail to the above address.

Page 1



UNITED STATES PATENT AND TRADEMARK OFFICE

Board of Patent Appeals and Interferences

RECEIVED
CENTRAL FAX CENTER

JUN 25 2008

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER
LLP
901 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20001-4413

Appeal No: 2008-3431
Appellant: David W. Cunnell et al.
Application No: 09/820,858
Hearing Room: A
Hearing Docket: A
Hearing Date: Tuesday, July 15, 2008
Hearing Time: 09:00 AM
Location: Madison Building - East Wing
600 Dulany Street, 9th Floor
Alexandria, Virginia 22313-1450

NOTICE OF HEARING
CONFIRMATION REQUIRED WITHIN TWENTY-ONE DAYS

Your attention is directed to 37 CFR § 41.47. The above identified appeal will be heard by the Board of Patent Appeals and Interferences on the date indicated. Hearings will commence at the time set and as soon as the argument in one appeal is concluded, the succeeding appeal will be taken up. The time allowed for argument is twenty minutes unless additional time is requested and permitted before the argument is commenced. If there are any inquiries, please contact the Clerk of the Board at 571-273-9797.

The application involved in this appeal has been published. Accordingly, the hearing in this appeal is open to the public.

CONFIRMATION OR WAIVER OF THE HEARING IS REQUIRED. This form must be completed below and facsimile transmitted to both: (1) the USPTO Central fax number (official copy), and (2) the Board of Patent Appeals and Interferences fax number (courtesy copy) within TWENTY-ONE (21) DAYS from the mailing date of this notice indicating confirmation or waiver of the hearing. A copy of this notice may be alternately filed by mail if facsimile is not available.

BPAI HEARINGS FAX No: (571) 273-0299

USPTO Central Fax No: (571) 273-8300

BPAI Mailing Address:

Board of Patent Appeals and Interferences
United States Patent and Trademark Office
P.O. BOX 1450
Alexandria, Virginia 22313-1450

In all communications relating to this appeal, please identify the appeal by its number.

CHECK ONE: () HEARING ATTENDANCE CONFIRMED (X) HEARING ATTENDANCE WAIVED
By: Jessica N. Roark Res No 54369 Fax:
Anthony C. Tedesco June 25, 2008 45,958
Signature of Attorney/Agent/Appellant Date Registration No.

Names of other visitors expected to accompany counsel:

For information on visitor access to hearing rooms and security procedures at the USPTO Alexandria Campus, see
<http://www.uspto.gov/about/offices/contact-us/central-office/visiting-uspto-alexandria>